

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR No. 03-00523 SOM
)	
v.)	
)	
JOSE PRIETO (3),)	DECLARATION OF COUNSEL
)	
Defendant.)	
)	
)	
)	
)	
_____)	

DECLARATION OF COUNSEL

I, MICHAEL J. PARK, hereby declare as follows:

1. Declarant is counsel for Defendant, JOSE PRIETO, licensed to practice law before this Court.
2. Defendant was charged on three counts of the indictment. He plead to Counts 1 and 3, the Conspiracy and drug possession charges but he went to trial on Count 2 an unrelated case, involving a small amount of cocaine, and was found guilty by a jury.
3. The prior attorney who handled the change of plea in counts 1 and 3 and the trial in Count 2 of the indictment, withdrew prior to sentencing and Declarant was court-appointed to handle Defendant's sentencing.

4. Defendant was sentenced on Tuesday, March 28, 2006, by the Honorable Susan Oki Mollway. He was sentenced to, inter alia, 188 months incarceration for all counts.

5. After sentencing Defendant informed Declarant to appeal his conviction on Count 2 and appeal his sentence on the entire matter.

6. Declarant and Defendant have met prior to sentencing and Defendant did inform counsel of his desire to appeal his conviction, regardless of the sentence he received.

7. Declarant is not currently licensed to practice in the 9th Federal Circuit. Consequently, Declarant is unable to assist Defendant with his appeal.

8. For these state reasons Declarant requests to withdraw as counsel and have an appellate counsel appointed to handle Defendant's appeal.

DATED: Honolulu, Hawaii, March 28, 2006.

/s/MICHAEL J. PARK